

- 7 -

W. Vincent QUINTANA, et al.
Appl. No. 09/739,136

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Remarks

Reconsideration of this Application is respectfully requested. Claims 68 and 81 are currently amended and no new matter has been added. Claims 68, 73, 74, 76, 77 and 82 are currently pending.

Rejections Under 35 U.S.C. §103(a)

The Office Action rejected claims 68, 73, 74, 76, 77, and 82 under 35 U.S.C. §103(a) as being allegedly unpatentable over Turley et al. U.S. Patent No. 5,831,198 ("Turley") in view of Ronzani et al. U.S. Patent No. 5,844,656 ("Ronzani"). The Applicants respectfully traverse the rejection.

Claims 68, 73, 74, 76, and 77 recite, *inter alia*, a system that includes a data collection instrument for collecting Property Data of a device and providing the Property Data to a computer for onsite testing and diagnostic analysis of the device. Claim 82 recites, *inter alia*, an apparatus that includes a data collection instrument in communication with the computer for obtaining Property Data describing at least one property of the device for testing and diagnosing the condition of the device.

The Office Action asserts that Turley suggests the laser range finder/digital compass assembly ("LRF/DCA", 530, Turley, col. 5, lines 14-15) is equivalent to a data collection instrument for collecting Property Data of a device and providing the Property Data to a computer for onsite testing and diagnostic analysis of the device as claimed by claims 68, 73, 74, 76, and 77 and the data collection instrument as recited by claim 81. The Applicant respectfully disagrees.

- 8 -

W. Vincent QUINTANA, et al.
Appl. No. 09/739,136*****DRAFT -DO NOT FILE*****

In the present case, claims 68, 73, 74, 76, 77, and 82 recite a data collection instrument collecting Property Data on a device. Turley merely discloses a laser range finder/digital compass assembly ("LRF/DCA"), which is a Fibertek mini-laser range finder and Leica digital compass assembly (see Turley, col. 5, lines 21-22). Presumably, the LRF/DCA permits a soldier to determine distance to a target and/or direction while in the field. Thus, the only information collected by the LRF/DCA is distance to a target and directional information with respect to the soldier. As such, the LRF/DCA cannot collect Property Data on a device for onsite testing and diagnosing as recited by claims 68, 73, 74, 76, 77, and 82. Instead, the LRF/DCA can only collect distance to a target, which is largely irrelevant for onsite testing and diagnosing of a device. Clearly, the LRF/DCA cannot be, or equivalent to, a data collection instrument for collecting Property Data on a device as recited by claims 68, 73, 74, 76, 77, and 82.

Moreover, the Office Action has alleged that the range finder/digital compass includes positive and negative test leads (Office Action, para. 2). The Applicant respectfully disagrees. In fact, Turley does not contain the terms "probe," "test leads" or "leads" within the specification. In addition, the Applicants have researched the Fibertek laser range finder and the Leica digital compass assembly. Fibertek, Inc., (www.fibertek.com) does not include any pictures of their products on their website. The most likely reason being that Fibertek is a defense contractor.

An image of a Leica digital compass assembly is attached to this Reply as Exhibit A. From the Exhibit A, it is clear that the Leica digital compass assembly includes four leads. However, it cannot be ascertained with a degree of certainty that the two of the leads are positive and negative leads of an electric probe. It is clear from Exhibit A that the Leica digital compass assembly is NOT an electric probe.

- 9 -

W. Vincent QUINTANA, et al.
Appl. No. 09/739,136*****DRAFT -DO NOT FILE*****

Accordingly, Turley cannot teach or suggest an electrical probe, much less an electrical probe with positive and negative test leads. Thus, Turley fails to disclose or suggest this element of the invention of claims 68, 73, 74, 76, 77 and 82. If the Examiner wishes to maintain the assertion that the Fibertek laser range finder and Leica digital compass assembly are an electrical probe with a positive and negative leads, the Applicants respectfully request that the Examiner produce the schematics of the Fibertek laser range finder and Leica digital compass assembly to show that the LRF/DCA is an electrical probe.

Ronzani fails to correct the deficiency of include a data collection instrument for collecting Property Data of the device. Instead, Ronzani suggests a head mounted display in a voice activated computer system (Ronzani, col. 2, lines 22-23). As such, Ronzani fails to teach or suggest a data collection instrument for collecting Property Data of the device. In fact, Ronzani also fails to mention the terms of "probe," "test leads" or "leads" within the specification. Accordingly, Ronzani fails to teach or suggest the invention as recited by claims 68, 73, 74, 76, 77 and 82.

Since Turley and Ronzani each fails to suggest the invention as recited by claims 68, 73, 74, 76, 77 and 82, the combination of Turley and Ronzani also fails to teach each and every claim element of the claimed invention. Thus, the invention as recited by claims 68, 73, 74, 76, 77 and 82 is patentable over the cited prior art.

- 10 -

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Appl. No. 09/739,136*****DRAFT -DO NOT FILE********Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

Michael J. Bell (Reg. No. 39,406)
Anderson L. Chen (Reg. No. 44,436)

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HOWREY SIMON ARNOLD & WHITE, LLP
Box No. 34
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2402
(202) 783-0800

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- 11 -

W. Vincent QUINTANA, et al.
Appl. No. 09/739,136

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EXHIBIT A

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The LEICA Digital Magnetic Compass (DMC) measures azimuth, elevation and bank.

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